

REMARKS

Claims 1, 3-24, and 26-41 are pending in this application. All have been rejected under 35 U.S.C. § 103(a) in view of the patent to Walker. Applicant asks the Office to reconsider this application and to allow all of the claims.

Claims 15 and 36

With respect to independent claims 15 and 36, Applicant notes that the Office has made no attempt whatsoever to explain the pertinence of the Walker reference to these claims, nor has it made any effort to address Applicant's previous arguments with respect to these claims. In its detailed analysis of Walker, which begins on page 2 of the action, the Office has omitted any discussion of the elements found in claims 15 and 36. In particular, the Office does not show what portions of Walker might suggest "initiating a time-monitoring sequence upon receiving [a] first signal" when a customer reaches "a first checkpoint" or "completing the time-monitoring sequence upon receiving [a] second signal" when the customer reaches "a second checkpoint."

This failure to address the elements of claims 15 and 36 occurs for good reason – there is simply nothing in Walker to suggest "initiating" or "completing" a time-monitoring sequence in response to signals received as a customer moves through checkpoints. Walker is devoid of any teachings along these lines, and it does nothing to suggest such a process. Accordingly, claims 15 and 36, as well as all of the claims that depend from them, are patentable over Walker.

Claims 1 and 24

With respect to claims 1 and 24, the analysis performed by the Office shows a fundamental misunderstanding of either the Walker reference or Applicant's claims, or both. For example, the claim by the Office that Walker suggests "acquiring a signal from a device *carried by the customer*" simply is not true. The "vehicle sensors" in Walker's system are devices "positioned on opposite sides of the roadway," such as "a drive-through alley in a fast food restaurant." (Col. 3, lines 49-51.) These sensors are stationary fixtures in a drive-thru lane that are tripped by the customer's car as it moves

through the lane; they are not at all similar to "a device carried by the customer" during a visit to the establishment.

Likewise, the statement by the Office that "information about customers and their patronage . . . would inherently assist one in assessing and determining quality of service" misses the point. Applicant has claimed a technique for identifying a customer "during a visit to [a] service establishment" and then "assessing the quality of service received by the customer *during the visit*." In other words, Applicant's technique involves providing service to a customer during a visit and assessing whether the customer is receiving adequate service *during that same visit*. Doing this allows the service provider to compensate the customer for any deficiencies in the service provided "before the customer leaves the service establishment."

In Walker's system, even if it were true that the service establishment could determine from the information it keeps the quality of service provided, there is nothing to suggest that it could assess the service quality of a customer's visit during that visit. To argue that it does so stretches Walker far beyond its intended teachings.

In short, Walker's system is vastly different from that covered by Applicant's claims 1 and 24. Accordingly, these claims and all those depending from them are patentable over Walker.

Claim 23

As with claims 1 and 24, Walker simply does not show or suggest the elements of Applicant's claim 23. In particular, Walker does not "assess whether [a] customer is receiving adequate service" and "compensate the customer for inadequate service" while the customer "is visiting the service establishment." Accordingly, claim 23 is patentable over Walker as well.

CONCLUSION

The Walker patent fails to show or even suggest the invention as covered in any of Applicant's claims. All of the claims are therefore allowable over these patents.

Applicant asks the Examiner to reconsider this application and to allow all of the claims. Please apply any charges that might be due, excepting the issue fee but including fees for extensions of time, to deposit account 14-0225.

Respectfully

A handwritten signature in black ink, appearing to read "John D. Cowart", written over a horizontal line.

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